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In re Application of
Burkett
Application No. 10/650,603
Filed: August 28, 2003
Attorney Docket No. ACS 65356 (1747D)

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AUG 04 2008

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2008, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b) (2)) within the time period provided in 37 CFR 41.37(a) (i). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed February 27, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on April 28, 2007. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an appeal brief, (2) the required petition fee, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Technology Center AU 2726 for appropriate action by the Examiner.

Alesia M. Brown
Petitions Attorney
Office of Petitions